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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,681	09/29/2000	Andrew H. McMillan	7287-000012	3462

		EXAMINER
7590	12/23/2003	VO, TED T

Harness Dickey & Pierce P L C
P O Box 828
Bloomfield Hills, MI 48303

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 12/23/2003   *10*

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No. 09/676,681	Applicant(s) MCMILLAN ET AL.
Advisory Action		
	Examiner Ted T. Vo	Art Unit 2122	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, ~~the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended~~.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-21*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:
The Amendment After Final and arguments filed on 12/1/03 have been considered.
Although applicants file "Amendment After Final", there are no claims amended. The status of claims would be held as the claims filed by applicants on 7/14/03.
In the remarks section:

- At lines 8-11, page 2, applicants argue Logan III does not show, teach, or suggest a reason code module (as addressed in the manner given in lines 8-11, page 2).

However, such argument and limitation already addressed. For example: see last final action (Final action, page 2, lines 3-14 of section 2., and page 5, lines 7-11 of the paragraph started after 'As per claim 1').

- At lines 20-22, page 2, applicants address that the debugger does not assign reason codes to flowchart blocks, as required by their claims.

However, such applicants' address is misled. Logan III (column 7, lines 35-40) teaches that a flowchart that contains decision and assignment blocks is generated by a machine control system 130, and the debugger is only included for simulation purpose.

- At lines 8-12, page 3, applicants readdress a paragraph of their disclosure in the specification, "a reason code module allows a user to assign reason code to the status of a process described by action or decision blocks in a flowchart", to correct an examiner statement (Final action, page 2, lines 10-11).

However, the specification, as emphasized by applicants, discloses an assignment of reason code to decision blocks is done by a user. Therefore the decision and assignment blocks of Logan III (FIG- 6A) anticipated such applicants' emphasizing.

- At lines 13-17, page 3, applicants distinguish their claiming as such providing the code for process downtime from runtime "ERROR" of the debugger.

However, as addressed before, the debugger is included only. The act for controlling a process downtime is included by Logan (addressed as "prior art", FIG -1, FIG -3, FIG -4A, FIG - 4B) and disclosed as the machine control system 130 (FIG - 5, "INPUT DEVICE" 134, "EXECUTIVE" 144, "MACHINE" 140). The debugger is only performing simulation that imitates a real process given in a flowchart of the machine Control system. Moreover, the claims do not claiming a process. Claim limitation does not address 'downtime'; and claimed functionality cannot act in a process downtime because it recites a reason code module that is associated with a flowchart module run by a computer that generates and edits flowchart source code.

- At lines 12-18 of page 4, applicants disagree the code in the decision and assignment blocks, "air pressure is too low, then turn on" (given in Logan III, FIG. 6A) is not the reason code according to their specification and claim limitation by contending that the code "air pressure is too low, then turn on" does not indicate the process experiences downtime.

However, applicants' claimed functionality does not include a process downtime, but merely a code module and reason code.

- Applicants contend the claims 11 and 15 with the same reason as they contend in the claim 1. However, the claims 11 and 15 have the claim limitation corresponding to the claim 1. Therefore, examiner addresses the same reason as addressed above in connecting to the claim 11 and 15.

TUAN DAM
SUPERVISORY PATENT EXAMINER